

EXHIBIT 1

CAUSE NO.: C-3388-20-D

MARIA SANJUANITA HERRERA	§	IN THE ____ JUDICIAL DISTRICT
	§	
VS.	§	
	§	COURT OF
	§	
WAL-MART STORES TEXAS LLC	§	HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MARIA SANJUANITA HERRERA, hereinafter referred to as Plaintiff, and files this, her Original Petition against WAL-MART STORES TEXAS LLC, hereinafter referred to as Defendant, and for cause of action will show the Court the following:

DISCOVERY CONTROL PLAN - BY RULE (LEVEL 3)

1. Plaintiff intends to conduct discovery under Level 3 as provided by Rule 190 of the Texas Rules of Civil Procedure.

CLAIM FOR RELIEF

2. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$200,000.00, but less than \$1,000,000.00, as compensation for her damages.

PARTIES

3. Plaintiff Maria SanJuanita Herrera is an individual who resides in Edinburg, Hidalgo County, Texas.

4. Defendant Wal-Mart Stores Texas LLC is a duly licensed limited liability company in _____ Texas. Defendant Wal-Mart Stores Texas LLC may be served with process by serving its registered agent, C.T. Corporation System, at 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

VENUE AND JURISDICTION

5. Venue for this cause of action is proper in Hidalgo County, Texas.

C-3388-20-D

6. The damages that Plaintiff is seeking from Defendant are within the jurisdictional limits of the Court. This Court therefore has jurisdiction of this cause of action.

FACTS

7. On September 5, 2020, at approximately 3:00 p.m., Plaintiff was at Defendant's Wal-Mart store located on West Nolana Avenue in McAllen, Hidalgo County, Texas, for business purposes. As Plaintiff was walking on the sidewalk that is located in front of the store near an entryway, she slipped, fell down, and suffered injuries, including a broken left kneecap and/or lower leg, and damages. Defendant placed a social distancing sign on the sidewalk that was made of plastic and/or laminated and was insufficiently and/or improperly adhered to the surface of the sidewalk with blue masking or painter's tape. The slippery laminated sign that was improperly and insufficiently adhered to the sidewalk was a dangerous condition on Defendant's store premises that caused Plaintiff to slip, fall, and suffer injuries and damages. Defendant created the dangerous condition on its store premises, knowledge of the dangerous condition is therefore imputed on Defendant under Texas Premises Liability Law.

**CAUSE OF ACTION BASED ON
PREMISES LIABILITY LAW AND PROXIMATE CAUSE**

8. At all time that is material to the incident described hereinabove and this case, Defendant was negligent under premises liability law in that: A. Plaintiff was a business invitee, B. Defendant owned, possessed, and/or controlled the premises where the incident described hereinabove occurred, C. A condition on the premises, the slippery laminated sign that was improperly and insufficiently adhered to the sidewalk, as described in the preceding paragraph, posed an unreasonable risk of harm, D. Defendant knew or reasonably should have known of the danger posed by the condition, and E. Defendant breached its duty of ordinary care by failing to adequately warn Plaintiff of the condition and failing to make the condition reasonably safe. This negligence by Defendant was the sole proximate cause or a proximate

cause of the incident described hereinabove and of the injuries and damages suffered by Plaintiff, as set out hereinbelow.

DAMAGES

9. As a proximate cause of the negligence of Defendant in causing the incident described hereinabove, Plaintiff suffered injuries, suffered physical pain and mental anguish in the past, will suffer physical pain and mental anguish in the future, suffered physical impairment in the past, will suffer physical impairment in the future, suffered physical disfigurement in the past, will suffer physical disfigurement in the future, lost wages in the past, will suffer a loss of earning capacity in the future, incurred medical expenses in the past, and will incur medical expenses in the future. Plaintiff is seeking monetary relief from Defendant in an amount that is more than \$200,000.00, but less than \$1,000,000.00, as compensation for her damages.

VICARIOUS LIABILITY

10. At all time that is material to the incident described hereinabove and this case, Defendant's employees acted within the course, scope, and authority of their employment and/or agency relationship with Defendant. Defendant should therefore be held vicariously liable to Plaintiff for all of Plaintiff's damages alleged herein.

PREJUDGMENT AND POSTJUDGMENT INTEREST

11. Plaintiff further sues Defendant herein for prejudgment interest at the maximum rate allowed by law on those damages where such interest may be assessed and for postjudgment interest at the maximum rate allowed by law on all of Plaintiff's damages from the date of judgment until the judgment is paid in full.

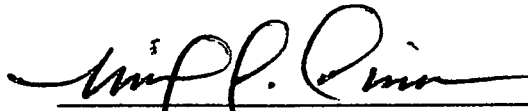
REQUEST FOR JURY AND JURY FEE

12. Plaintiff requests that the above-styled and numbered cause be tried to a jury and represents to the Court that the proper jury fee has been paid to the Clerk of this Court with the filing of Plaintiff's Original Petition.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that upon final hearing, she have judgment against Defendant for all of her damages hereinabove alleged, for prejudgment and postjudgment interest, and for any and all other relief, both general and special, in law and in equity, and for all costs of Court in her behalf expended.

Respectfully Submitted,

THE CISNEROS LAW FIRM, L.L.P.
312 Lindberg Avenue
McAllen, Texas 78501
Telephone No. (956) 682-1883
Fax No. (956) 682-0132
Email: email@cisneroslawfirm.com



MICHAEL J. CISNEROS
State Bar No. 00793509
ARTURO CISNEROS
State Bar No. 00789224
Attorneys for Plaintiff